

**CHANGES WITHOUT REGULATORY EFFECT  
STATEMENT OF REASONS**

**TITLE 15. CRIME PREVENTION AND CORRECTIONS  
DIVISION 2. BOARD OF PAROLE HEARINGS ~~PRISON TERMS~~  
CHAPTER 1. GENERAL  
ARTICLE 1. RULES OF CONSTRUCTION AND DEFINITIONS**

**Amendment of Title of Division 2**

The Board of Parole Hearings (BPH) (formerly known as the Board of Prison Terms) proposes to change the name of Division 2 of the California Code of Regulations, Title 15 from the “Board of Prison Terms” to the “Board of Parole Hearings”. This action is a change without regulatory effect.

**Specific Modification to Regulation**

The Board of Parole Hearings makes the following proposed amendment to regulation:

Division 2. Board of Parole Hearings ~~Prison Terms~~

**Background**

In 2005, Governor Arnold Schwarzenegger introduced a plan to reorganize the various boards and agencies associated with the former Youth and Adult Correctional Agency, which was comprised of the former Department of Corrections, the former Department of the Youth Authority, the former Board of Prison Terms, the former Board of Corrections, the former Youth Authority Board, and the former Narcotic Addict Evaluation Authority. The Governor’s Reorganization Plan No. 1 (2005-2006 Reg. Sess.) was presented to the Legislature on February 22, 2005, and pursuant to Government Code section 12080.5, became effective 60 days later on May 5, 2005. The operative date of statutory changes made by the Governor’s Reorganization Plan was July 1, 2005.

In addition to consolidating some of the boards and agencies, the Governor’s Reorganization Plan changed the names of the boards and agencies. The Governor’s Reorganization Plan amended Penal Code section 5075, subdivision (a) to read:

Commencing July 1, 2005, there is hereby created the Board of Parole Hearings. As of July 1, 2005, any reference to the Board of Prison Terms by this or any other code refers to the Board of Parole Hearings. As of that date, the Board of Prison Terms is abolished.

Since July 1, 2005, the Board of Parole Hearings has used this new title whenever referring to its name, including in written documents and verbal statements. This includes reference to the Board of Parole Hearings in regulatory changes made after July 1, 2005.

## **Discussion**

The Board of Parole Hearings proposes to change the name of Division 2 of the California Code of Regulations, Title 15 from the “Board of Prison Terms” to the “Board of Parole Hearings”. This action is a change without regulatory effect. The current name of Division 2 of the California Code of Regulations, Title 15 is inconsistent with and superseded by Penal Code section 5075, subdivision (a). Additionally, the Board of Parole Hearings has no discretion to not implement Penal Code section 5075, subdivision (a). Penal Code section 5075, subdivision (a) is clear and unambiguous that the Board of Parole Hearings is to be called the Board of Parole Hearings, and that all references to the former Board of Prison Terms now refer to the Board of Parole Hearings. This change of the name of Division 2 of the California Code of Regulations, Title 15, is merely a change to the structure of the regulations division and does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element. This is most clearly evidenced by the language of Penal Code section 5075, subdivision (a) that “any reference to the Board of Prison Terms by this or any other code refers to the Board of Parole Hearings,” making it clear that the two names for the Board of Parole Hearings are synonymous for all legal purposes. Changing the name of Division 2 of the California Code of Regulations, Title 15 will simply make the Division consistent with the Penal Code and will provide better clarity to the public when seeing references to the Board of Parole Hearings.

## **Additional Findings**

The Board of Parole Hearings has determined this action will not have a significant adverse economic impact on business. Additionally, there have been no facts, evidence, documents, testimony, or other evidence provided that would alter the Board’s initial determination.

The Board of Parole Hearings has determined this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement to Part 7 (Section 17561) of Division 4 of the Government Code.

The Board of Parole Hearings has determined that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected private persons than the action proposed.

The Board of Parole Hearings, in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.